

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 DHA-05 CIAE-00 DODE-00 PM-05 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /066 W

-----039123 250041Z /15

R 241944Z AUG 77

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 4576

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY SANTIAGO

HQ USSOUTHCOM SCJ-2

C O N F I D E N T I A L MONTEVIDEO 4089

E.O. 11652: GDS

TAGS: OVIP (TODMAN, TERENCE A), SHUM, PGOV, PINT, UY

SUBJ: TODMAN MEETING WITH PRESIDENT MENDEZ

1. ASSISTANT SECRETARY TODMAN, ACCOMPANIED BY THE AMBASSADOR, CALLED ON PRESIDENT MENDEZ THE MORNING OF AUGUST 18. FONMIN ROVIRA WAS ALSO IN ATTENDANCE. THOUGH THE MEETING WHICH HAD BEEN SCHEDULED BY THE FOREIGN MINISTRY WAS BILLED AS A SHORT COURTESY CALL, THE CONVERSATION RAN ON FOR WELL OVER AN HOUR.

2. PRESIDENT MENDEZ BEGAN BY RECOUNTING THE TRAUMA OF THE TUPAMARO PERIOD. HE WAS SHARPLY CRITICAL OF THE POLITICAL PARTY LEADERSHIP'S FAILURE TO DEAL WITH THE TERRORIST THREAT BUT ALSO EXTENDED HIS CRITICISM TO THE FORM OF THE GOVERNMENT ITSELF. THIS OFFERED AN OPENING FOR HIM TO EXPOUND ON HIS CONSTRUCT OF AN IMPROVED DEMOCRATIC MODEL. HAVING PREVIOUSLY BEEN A PROFESSOR OF ADMINISTRATIVE LAW, HE SPOKE WITH GREAT ENTHUSIASM AND AT GREAT LENGTH. THE SUBSTANCE OF HIS THESIS IS THAT THE ORIGINAL DEMOCRATIC MODEL AS PERCEIVED BY THE 16TH AND 17TH CENTURY POLITICAL THINKERS AND LATER PUT INTO PRACTICE IN THE USA,
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EUROPE AND LATIN AMERICA WAS AN ATTEMPT TO IMPROVE UPON THE MONARCHICAL SYSTEM AND, AS SUCH, DEPENDED ON THE CONTINUATION OF SOME MONARCHICAL POWER TO SUCCEED. THE CONCEPT OF THREE SEPARATE AND EQUAL BRANCHES, HE CONTENTED, WAS A BASIC ERROR IN THIS THEORY AND HAS LEAD TO IMPERFECTIONS WHICH EXIST IN MOST DEMOCRATIC COVENANTS. HE SUPPORTS INSTEAD THE CONCEPT THAT EFFECTIVE DEMOCRATIC GOVERNMENT CAN ONLY SUCCEED IF THE POWER OF

DECISION IS CONCENTRATED IN THE EXECUTIVE, WITH THE JUDICIAL AND LEGISLATIVE BRANCHES RELEGATED TO LESSER ROLLS WITH VERY DEFINED AND LIMITED AREAS OF RESPONSIBILITY. HE NOTED THAT THE USG SYSTEM HAS SURVIVED BECAUSE DURING PERIODS OF NATIONAL EMERGENCY THE LEGISLATIVE HAS GRANTED TO THE PRESIDENT THE NECESSARY POWERS TO TAKE EFFECTIVE ACTION.

3. TODMAN STATED THAT THE UNITED STATES WAS ENCOURAGED BY THE GOU ANNOUNCEMENT THAT ELECTIONS WOULD BE HELD IN 1981. HE THEN ASKED HOW THE PROCESS OF RETURN TO OPEN ELECTIONS WOULD UNFOLD, SPECIFICALLY WHAT STEPS THE GOU WOULD TAKE BETWEEN NOW AND 1981 TO PREPARE FOR THE ELECTIONS. MENDEZ OFFERED NO DETAILS OTHER THAN TO SAY THAT THE POLITICAL OPENING WOULD HAVE TO BE TAKEN THROUGH A STEP-BY-STEP APPROACH. HE ADDED THAT HE WOULD PREFER TO HOLD ELECTIONS TOMORROW BUT RECOGNIZED THAT THE CONDITIONS FOR DOING SO DID NOT EXIST. "WE MUST AVOID A RETURN TO THE VERY SYSTEM THAT FAILED BEFORE" HE REMARKED, ADDING THAT THE PROCESS OF HEALING AND REFORM MUST BE GIVEN TIME TO BRING POSITIVE RESULTS. HE GAVE NO INDICATION THAT HE SAW A POLITICAL OPENING ON THE IMMEDIATE HORIZON, NOR DID HE OFFER ANY PARTICULAR INSIGHTS ON THE ISSUE OF HUMAN RIGHTS. ON THE LATTER ISSUE HE MERELY LISTENED ATTENTIVELY WHEN TODMAN EXPAINED THE HUMAN RIGHTS POSTURE OF THE UNITED STATES.

4. COMMENT: THE MENDEZ CONSTRUCT OF A STRONG EXECUTIVE AND SUBORDINATE LEGISLATIVE AND JUDICIAL BRANCHES IS MORE THAN INTER-CONFIDENTIAL

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ESTING THEORY. IT CLEARLY IS THE THESES WHICH HAS THE SUPPORT OF MOST CIVILIAN AND MILITARY MEMBERS OF IMPORTANCE IN THE GOU, AND MOST LIKELY WILL BE REFLECTED IN THE NEW CONSTITUTION PRESENTLY UNDER STUDY. THE CIRCUMSCRIBED ROLE OF THE COUNCIL OF STATE (WHICH WAS FORMED TO REPLACE THE ABOLISHED LEGISLATURE IN 1973) IS IN CONSONANCE WITH THE THESES, AS IS THE SEVERELY TAILORED JUDICIARY AS A RESULT OF INSTITUTIONAL ACT NO. 8. MENDEZ WAS CLEARLY SENSITIVE TO CRITICISM OF THIS LATTER ACT, (POSSIBLY INDICATIVE OF HIS INTIMATE INVOLVEMENT IN ITS DRAFTING), HE VIEWS THE NEGATIVE REACTION FURTHER EVIDENCE THAT THE DOMESTIC POLITICAL CLIMATE IS NOT SUFFICIENTLY CONDITIONED TO PERMIT A RENEWAL OF POLITICAL ACTIVITY.

5. CLEARED BY ASSISTANT SECRETARY TODMAN.
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Message Attributes

Automatic Decaptioning: X
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Current Classification: UNCLASSIFIED
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Decaption Note:
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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
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Format: TEL
From: MONTEVIDEO
Handling Restrictions: n/a
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Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1501658
Secure: OPEN
Status: NATIVE
Subject: TODMAN MEETING WITH PRESIDENT MENDEZ
TAGS: OVIP, SHUM, PGOV, PINT, UY, (TODMAN, TERENCE A), (MENDEZ MANFREDINI, APARICIO)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/0c321054-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009